

1 KEKER & VAN NEST, LLP  
ROBERT A. VAN NEST - #84065 (rvannest@kvn.com)  
2 WENDY J. THURM - #163558 (wthurm@kvn.com)  
BENEDICT Y. HUR - #224018 (bhur@kvn.com)  
3 STEVEN K. YODA - #237739 (syoda@kvn.com)  
710 Sansome Street  
4 San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
5 Facsimile: (415) 397-7188

6 Attorneys for Plaintiff, Counter-Defendant, and  
Counter-Counter-Claimant  
7 THELEN REID BROWN RAYSMAN & STEINER LLP  
fka THELEN REID & PRIEST LLP  
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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 THELEN REID BROWN RAYSMAN &  
13 STEINER LLP, fka THELEN REID &  
PRIEST LLP,

14 Plaintiff and Counter-Defendant,

15 v.

16 FRANÇOIS MARLAND,

17 Defendant and Counter-Claimant.  
18

19 THELEN REID BROWN RAYSMAN &  
STEINER LLP, fka THELEN REID &  
20 PRIEST LLP,

21 Counter-Counter-Claimant,

22 v.

23 FRANÇOIS MARLAND and SUSANNAH  
MAAS,

24 Counter-Counter-Defendants.  
25  
26  
27  
28

Case No. C 06-2071 VRW

**STIPULATION AND ~~PROPOSED~~  
ORDER WITHDRAWING SERVICE OF  
THELEN'S COUNTER-  
COUNTERCLAIMS ON SUSANNAH  
MAAS AND WITHDRAWING MAAS'S  
MOTION TO DISMISS THELEN'S  
COUNTER-COUNTERCLAIMS**

Counter-Counter-Claimant Thelen Reid Brown Raysman & Steiner LLP (formerly known as Thelen Reid & Priest LLP) ("Thelen") and Counter-Counter-Defendant Susannah Maas ("Maas") hereby stipulate to the following under Civil Local Rules 7-1(a)(5) and 7-12:

WHEREAS, on September 29, 2006, Thelen filed its Counter-Counterclaims against Maas (Docket No. 38);

WHEREAS, on October 9, 2006, Maas received via Federal Express a Summons and Thelen's Counter-Counterclaims (Docket Nos. 43 and 44);

WHEREAS, on November 14, 2006, Maas moved to dismiss Thelen's Counter-Counterclaims, arguing, *inter alia*, that Thelen did not properly serve its Counter-Counterclaims on Maas via the Hague Convention (Docket No. 62);

WHEREAS, on November 27, 2006, Defendant, Counter-Claimant, and Counter-Counter-Defendant Francois Marland ("Marland") filed and served a Revised Amended Answer and Counterclaims (Docket No. 72);

WHEREAS, on December 1, 2006, Thelen filed an Answer to Marland's Revised Amended Counterclaims and Amended Counter-Counterclaims against Marland and Maas (Docket No. 78);

WHEREAS, Maas's Motion to Dismiss Thelen's original Counter-Counterclaims currently is set for hearing on January 11, 2007 (Docket No. 62); and

WHEREAS, Maas's Motion to Dismiss (Docket No. 62) is now moot since it seeks to dismiss Thelen's original Counter-Counterclaims (Docket No. 38), which are no longer operative.

THEREFORE, the Thelen and Maas hereby stipulate that:

(1) Thelen hereby withdraws service of its original Counter-Counterclaims on Maas without any admission as to whether that service was legally effective or ineffective; and

(2) Maas hereby withdraws her pending Motion to Dismiss Thelen's original Counter-Counterclaims (Docket No. 62) without any admission as to whether service of Thelen's original Counter-Counterclaims was legally effective or ineffective and without any prejudice to re-raising any of the arguments contained therein in the future; and

(3) The hearing on Maas's Motion to Dismiss Thelen's original Counter-Counterclaims (Docket No. 62), which currently is scheduled on January 11, 2007 at 2:00 p.m., shall be taken off calendar.

IT IS SO STIPULATED.

Dated: December 5, 2006

KEKER & VAN NEST, LLP

By: /s/ Wendy J. Thurm  
WENDY J. THURM  
Attorneys for Plaintiff, Counter-Defendant,  
and Counter-Counter-Claimant  
THELEN REID BROWN RAYSMAN &  
STEINER LLP, fka THELEN REID &  
PRIEST LLP.

Dated: December 5, 2006

HAYES & HARDY LLP  
CARLSON, CALLADINE & PETERSON  
LLP

By: /s/ Andrew W. Hayes  
ANDREW W. HAYES  
Attorneys for Counter-Counter-Defendant  
SUSANNAH MAAS

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 11, 2006

